

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. J-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an R-1 (Single Family Residential) District under
the terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Part of the Northeast Quarter of the Northwest Quarter of
Section 27, Township 31 North, Range 12 East, Allen
County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northeast
Quarter of the Northwest Quarter of Section 27, Township
31 North, Range 12 East, Allen County, Indiana, thence
North along the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec.
27-31-12 a distance of 350.5 feet; thence East with a
deflection angle to the right of 90 degrees 23 minutes 10
seconds and parallel to the South line of the NE $\frac{1}{4}$ of the
NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 270.0 feet to the
point of beginning; thence South with a deflection angle
to the right of 89 degrees 36 minutes 50 seconds and
parallel to the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec.
27-31-12 a distance of 90.0 feet; thence East with a
deflection angle to the left of 89 degrees 36 minutes 50
seconds and parallel to the South line of the NE $\frac{1}{4}$ of the
NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 419.0 feet; thence
North with a deflection angle to the left of 90 degrees
23 minutes 10 seconds and parallel to the West line of
the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 27-31-12 a distance of 260.5
feet; thence West with a deflection angle to the left of
89 degrees 36 minutes 50 seconds and parallel to the
South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a
distance of 294.0 feet; thence South with a deflection
angle to the left of 90 degrees 23 minutes 10 seconds and
parallel to the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec.
27-31-12 a distance of 170.5 feet; thence West with a
deflection angle to the right of 90 degrees 23 minutes 10
seconds a distance of 125.0 feet to the point of
beginning containing 2.02 acres.

ALSO:

Part of the Northeast Quarter of the Northwest Quarter of
Section 27, Township 31 North, Range 12 East, Allen
County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of the Northeast
Quarter of the Northwest Quarter of Section 27, Township
31 North, Range 12 East, Allen County, Indiana, thence
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27-31-12 a distance of 260.5 feet; thence East with a
deflection angle to the right of 90 degrees 23 minutes 10
seconds and parallel to the South line of the NE $\frac{1}{4}$ of the
NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 689.0 feet; thence
North with a deflection angle to the left of 90 degrees
23 minutes 10 seconds and parallel to the West line of
the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of
244.56 feet; thence East with a deflection angle to the
right of 90 degrees 41 minutes 10 seconds and parallel to
the North line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12

#520

a distance of 624.5 feet to a point on the East line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12, said point being 821.0 feet South of the NE corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12; thence South with a deflection angle to the right of 89 degrees 06 minutes 30 seconds along the East line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 501.83 feet to the Southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12; thence West with a deflection angle to the right of 90 degrees 35 minutes 40 seconds along the South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 1315.29 feet to the point of beginning containing 11.35 acres subject to road rights-of-way and easements.

and the symbols of the City of Fort Wayne Zoning Map No. J-26, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

C R Edmonds
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, M., E.S.T.

DATED: 8-11-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, and duly adopted, placed on its passage. PASSED 12:00 by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 9-8-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-09-92, on the 8th day of September, 1992

ATTEST: (SEAL)
Sandra E. Kennedy Thomas E. Henry
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of September, 1992, at the hour of 11:00 o'clock PM, M., E.S.T.
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of September, 1992, at the hour of 2:00 o'clock P M. PE.S.T.
PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

CL # 1304

No 10924

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

July 8 19 92

RECEIVED FROM

The Westbridge Co. Inc.

\$ 100⁰⁰

THE SUM OF

One hundred and no/100's

100

DOLLARS

ON ACCOUNT OF

Reynolds - 4110 Haze's Rd.

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. E. [Signature]

AUTHORIZED SIGNATURE

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

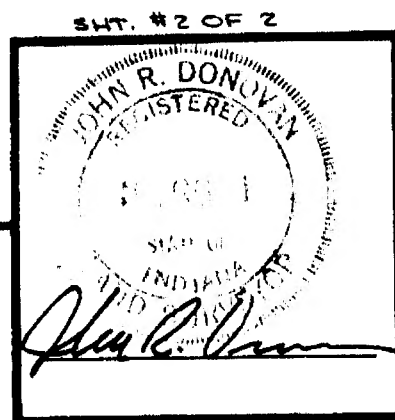
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, thence North along the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 350.5 feet; thence East with a deflection angle to the right of 90 degrees 23 minutes 10 seconds and parallel to the South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 270.0 feet to the point of beginning; thence South with a deflection angle to the right of 89 degrees 36 minutes 50 seconds and parallel to the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 90.0 feet; thence East with a deflection angle to the left of 89 degrees 36 minutes 50 seconds and parallel to the South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 419.0 feet; thence North with a deflection angle to the left of 90 degrees 23 minutes 10 seconds and parallel to the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 260.5 feet; thence West with a deflection angle to the left of 89 degrees 36 minutes 50 seconds and parallel to the South line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 294.0 feet; thence South with a deflection angle to the left of 90 degrees 23 minutes 10 seconds and parallel to the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27-31-12 a distance of 170.5 feet; thence West with a deflection angle to the right of 90 degrees 23 minutes 10 seconds a distance of 125.0 feet to the point of beginning containing 2.02 acres.

JOB FOR: O'ROURKE

5-18-92



PRIMARY PLAT

HARRIS MEADOW

A PART OF THE NE 1/4, NW 1/4, SECT 27, T31N, R12E

DEVELOPER:

THE WESTERIDGE CO.
8721 BREAKWATER DRIVE
FORT WAYNE, INDIANA

SURVEYOR:

DONOVAN ENGINEERING
2030 IN WOOD DRIVE
FORT WAYNE, INDIANA

DRAINAGEWAYS

CATCH BASIN

STORM PIPE

SANITARY PIPE

WATER PIPE

FIRE HYDRANTS

STREET LIGHTS

UTILITY & SURFACE

HYDRAULIC GRANT

U.S.D.E.

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CERTIFICATE OF SURVEY

OFFICE OF:

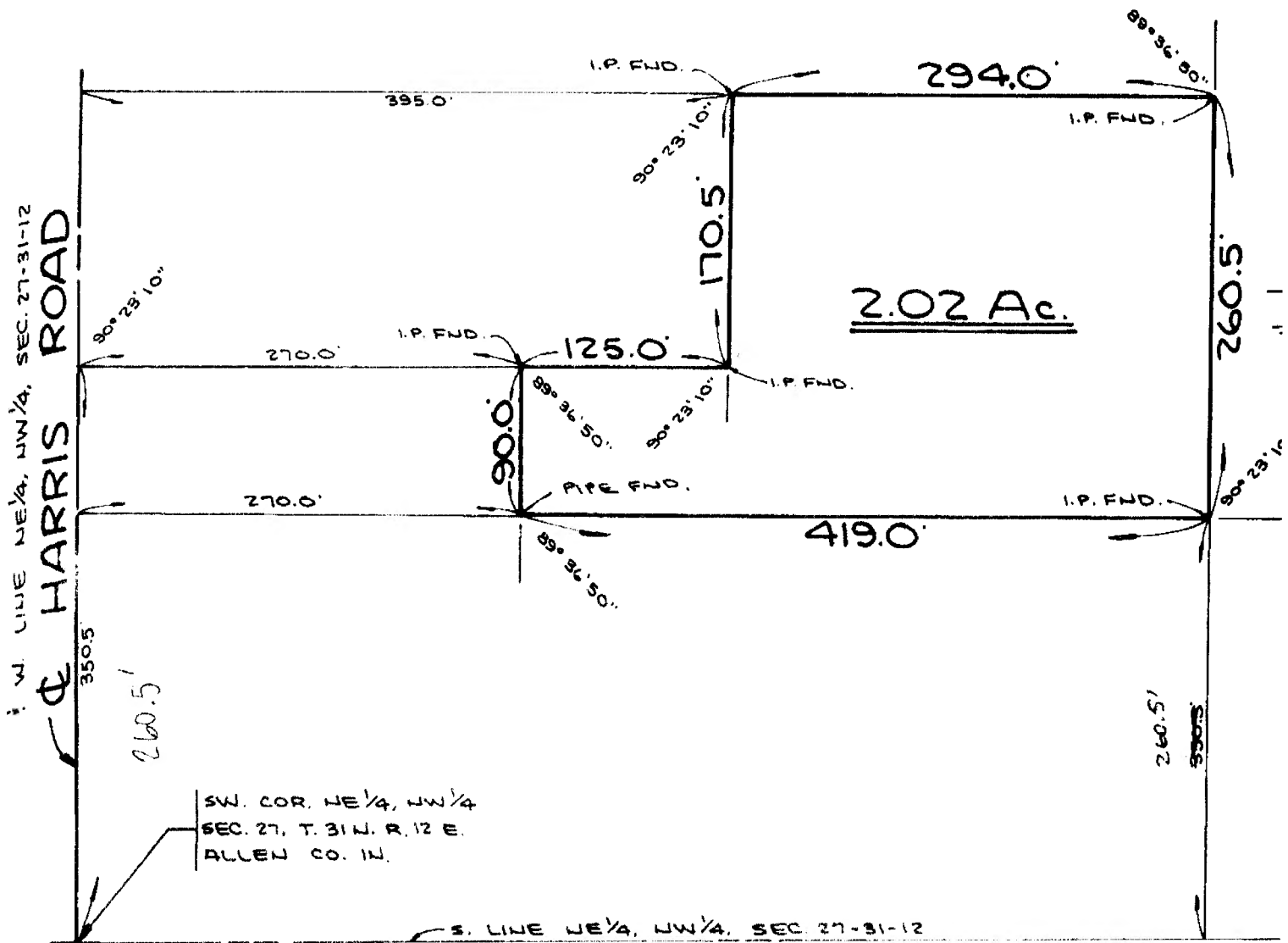
DONOVAN ENGINEERING

* JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
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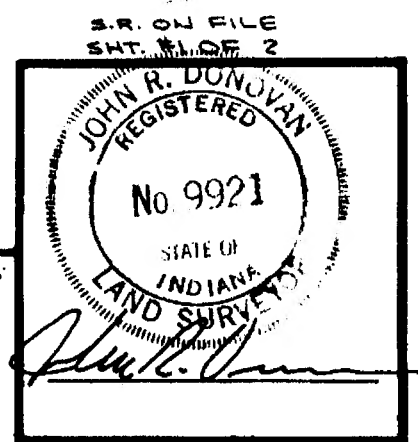
The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

JOB FOR: O'ROURKE

1"=100'
5-18-92



CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

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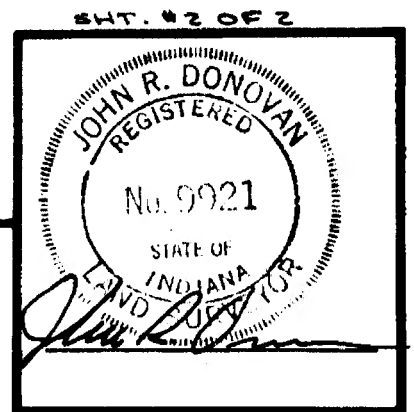
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JOB FOR: KELSEY

5-18-92



CERTIFICATE OF SURVEY

OFFICE OF:

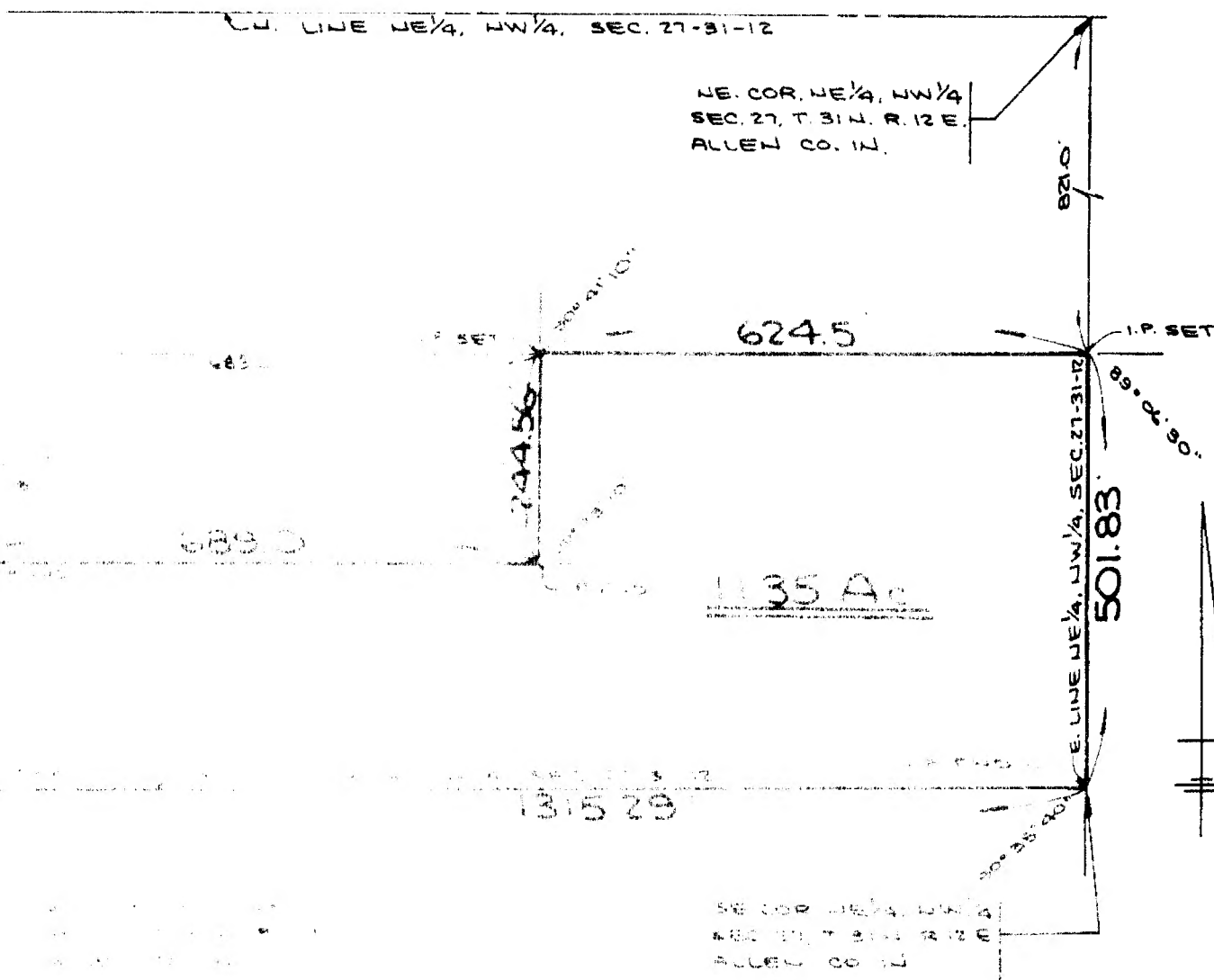
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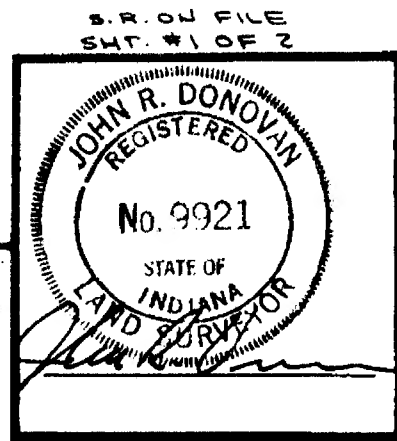
The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**



NOTE: According to the Flood Insurance Rate Map (FIRM) number 1800300250 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "AE" and is in a flood hazard area.

JOB FOR: KELSEY

1" = 200'
5-18-92



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 11, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-08-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 17, 1992.

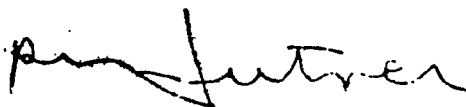
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 24, 1992.

Certified and signed this
25th day of August 1992.



Robert Hutner
Secretary

FACT SHEET

Z-92-08-08

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From B-4 to R-1

DETAILS**POSITIONS****RECOMMENDATIONS****Specific Location and/or Address**The east side of Harris Road south of
Coliseum Blvd.**Reason for Project**

New Single Family Subdivision.

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Westbridge Corporation
City Department

Other

Opponents**Groups or Individuals**Joseph Tye/1912 Louisedale
Rhonda Steele/4114 Harris Rd**Basis of Opposition**- the density of the develop-
ment would devalue the exist-
ing homes
-would increase traffic in
area**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass**Discussion (Including relationship to other Council actions)**17 August 1992 - Public Hearing

See Attached Minutes of Meeting

24 August 1992 - Business MeetingMotion was made and seconded to return to the
ordinance to the Common Council with a DO
PASS recommendation.Of the seven (7) members present, six (6)
voted in favor of the motion, one (1) did
not vote.

Motion carried.

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 8 July 1992

Projected Completion or Occupancy

Date 26 August 1992

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

[Signature]

Date

26 AUGUST 1992

Reference or Case Number

- a. Bill No. Z-92-08-08 - Change of Zone #520
From RA & B-4 to R-1
The east side of Harris Road south of Coliseum Blvd.
- b. Primary Subdivision Plat of Harris Meadow

Jack Powell, representing the Westbridge Corporation appeared before the Commission. He stated that they are requesting the rezoning from the RA to R-1, because the present RA district requires a minimum lot size of 7200 square feet. He stated that the major reason for requesting the rezoning is to allow them the flexibility to have a few lots that are under 60 feet in width. He stated that the builder he has been working with has asked to have a few 55 foot wide lots available. He stated it will be approximately 12 lots out of 43 lots they intend to develop. He stated that this meets the criteria of the Comprehensive Plan in that it does not establish an undesirable precedent, it is compatible with existing and planned uses to be developed. He stated that this will act as a buffer between commercial development along Coliseum Blvd., to the north and the single family residential to the south. He stated that they feel by putting in more single family residential in the area they will help to stabilize property values in the area. He stated that the downzoning of the area from RA to R-1 will help to preserve the present residential uses in the area as stated in the staff comments.

Mr. Powell stated that with regard to the primary plat they are proposing 43 lots on 13.3 acres. He stated that the housing is designed for the \$65,000 to \$95,000 house range. He stated that he has a commitment from a builder to purchase all of the lots. He stated that the builder would like to put a model home on lot number one and begin selling as soon as possible. He stated that they have already had calls from some of the neighbors requesting information on the project. He stated especially people in the apartment complex. He stated that they are indicating that they like the area and would like to buy a new house in the area. He stated that they believe that the health, safety, convenience and public welfare of the community is being served with this proposal. He stated that with regard to streets they are going to provide curbed streets with sidewalks on both sides of all streets. He stated that they will have an decel and accel lane and a passing blister at the entrance. He stated that they will be meeting the standard city street lighting requirements. He stated that the sanitary sewer will come from West Louisedale Drive to the south and they have secured an easement for that purpose. He stated the water will come from along Harris Road. He stated that the storm drainage will flow eastward to a approximately 2 acre common area. He stated that within the limits of that boundary are two existing water bodies that, at least on a preliminary basis, appear to be adequate to function as detention basins. He stated if they are adequate they do not intend to disturb the heavily wooded area. He stated that pursuant to a staff request they have adjusted the access to that area from an easement situation to a common area,

between lots 18 and 19. He stated that the common area and the detention basin will be maintained by a mandatory membership to the community association. He stated that he has discussed the proposal with all of the local governmental agencies involved and felt he had met all of the conditions that those agencies have placed on it. He stated that there were no objections to any design criteria on the plats. He stated that the proposal is designed to be a moderate priced subdivision with housing that is compatible with surrounding homes. He stated that he was working with a builder who was eager to start construction yet this fall. He stated that they are confident that the project will be very successful and will satisfy the needs of the area while protecting property values.

Steve Smith questioned what type of buffering this development would have from the commercial property on the north.

Mr. Powell stated that they have planned a solid board fence along the north property line to provide a visual buffer and hopefully to help eliminate some of the sound coming from Coliseum Blvd.

Mel Smith questioned if they had planned a recreation area for this development.

Mr. Powell stated that they are 400 feet away from Franke Park. He stated they have discussed the possibility of making a pedestrian easement into the park. He stated that it is conceivable that they could provide a pedestrian way into the park from the north, subject to the approval of the Park Board and the Commission. He stated although there is some significant topography on the common area, there is a possibility for them to do something in that area. He stated if the Commission requests they will look at that more closely.

The following people spoke in opposition to the proposed rezoning and primary plat:

Joseph Tye, 1912 W Louisedale Dr
Rhonda Steele, 4114 Harris Road
Steve Forrester, 3907 Parkside Dr
Robert Winklejohn, 2011 Louisedale Dr

- they felt that the developer was crowding too many homes into the proposed subdivision
- they questioned why the developer could not reduce the number of homes and increase the lot size to be more in line with the existing development in the area
- it was stated that the existing single family homes are sitting on approximately 1 acre each
- they felt that it would be a "slum" in their backyard
- they had looked at some of Mr. Powell's current developments and the construction of the homes is, in their opinion poor, and would not stand the test of time
- they are worried about a "low class" of people buying into this

area

- they have traffic problems already existing on Harris Road and this will add to the congestion
- this would destroy property values in the area
- there are drainage problems in the area currently and this would add to the problem - it was questioned if the developer would be putting in a storm sewer to help this situation
- they have wildlife that inhabit this area and this development would destroy their habitat

Don Schimdt stated that the neighbors should be aware that the rezoning being requested is more restrictive than what currently exists. He stated that the RA would allow for a development of greater density than the rezoning that is being requested.

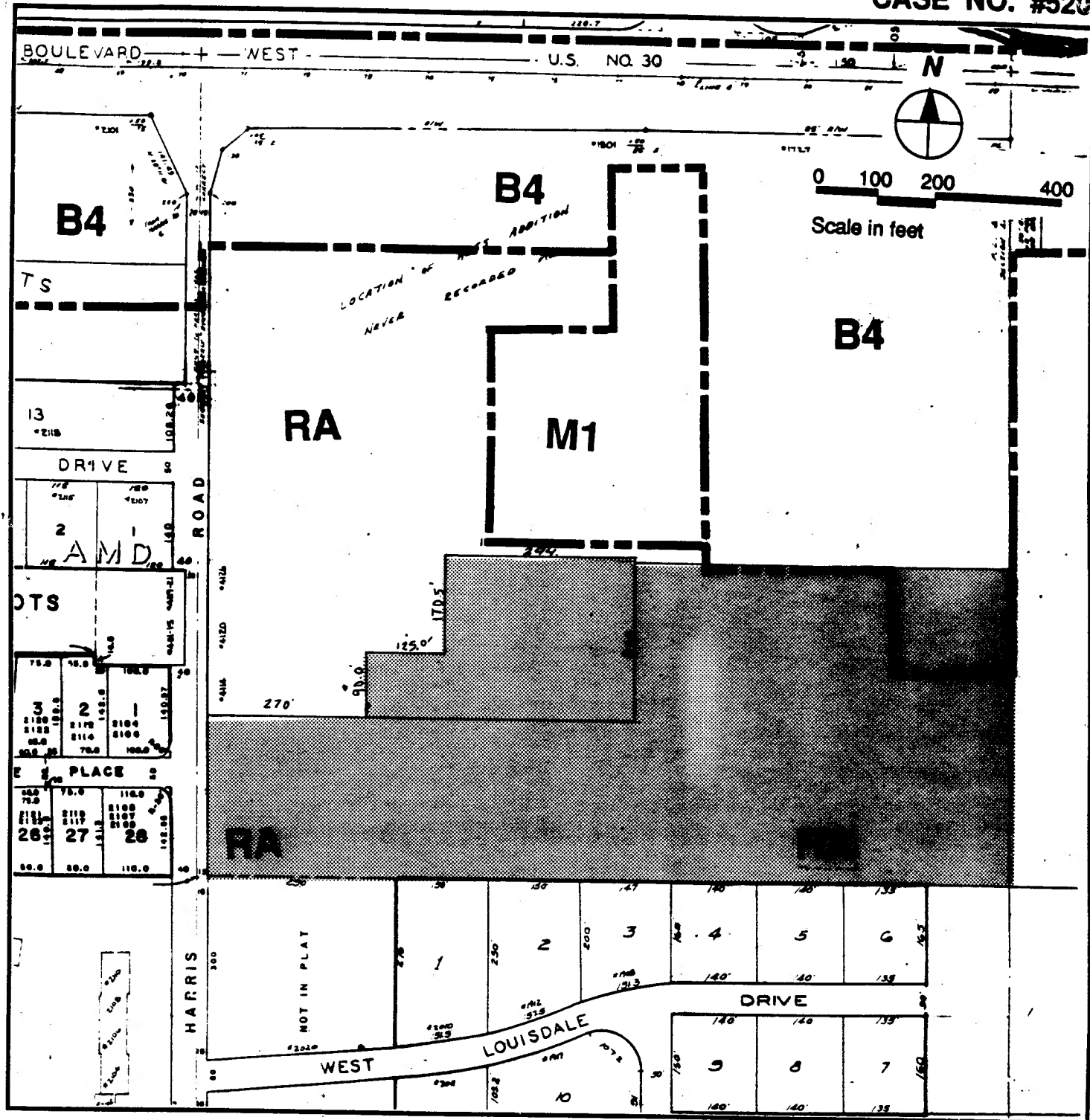
In rebuttal, Jack Powell stated that the present zoning of RA permits 231 apartments on this property and it permits 80 single family dwelling units. He stated that his proposal was for 43 single family dwelling units. He stated that is approximately 3 units per acre and that is a standard single family density. He stated that he felt they would be able to meet all of the requirements of local government relative to engineering, access, storm drainage and so on. He stated that they intend to be good neighbors and they intend to have as minimal an impact as possible on the community.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning or primary development plan.

REZONING PETITION

AREA MAP

CASE NO. #520



COUNCILMANIC DISTRICT NO. 3

Map No. J-26

LW 7-24-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

#520

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4110 Harris Road

2-92-08-08

EFFECT OF PASSAGE Property is currently zoned RA - Suburban

Residential and B-4 - Roadside Business. Property will become

R-1 - Single Family Residential.

EFFECT OF NON-PASSAGE Property will remain zoned RA - Suburban

Residential and B-4 - Roadside Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-92-08-08

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. J-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

CR Edmonds

Mark Giaquinta

Celeste Ravine

DS Schmidt

DATED: *9-8-92*

Sandra E. Kennedy
City Clerk